

AMENDED IN ASSEMBLY FEBRUARY 27, 2006

AMENDED IN ASSEMBLY JANUARY 25, 2006

AMENDED IN ASSEMBLY AUGUST 15, 2005

AMENDED IN SENATE JUNE 1, 2005

AMENDED IN SENATE MAY 31, 2005

SENATE BILL

No. 472

Introduced by Senator Alquist

February 18, 2005

An act to amend Sections 99231, 99233, 99234, 99235, 99237, 99240, and 99242 of, and to repeal Sections 99234.5, 99238, and 99241 of, the Education Code, relating to instructional programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 472, as amended, Alquist. Instructional programs: Mathematics and Reading Professional Development Program.

Existing law establishes the Mathematics and Reading Professional Development Program, which is administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under this program, a local education agency, as defined, receives incentive funding to provide training in mathematics and reading to teachers and to provide training to instructional aides and paraprofessionals, as defined, who directly assist with classroom instruction in mathematics and reading. Under existing law, the program becomes inoperative on July 1, 2006, and is repealed on January 1, 2007.

This bill would extend the operation of the program until July 1, 2012, when the program would become inoperative. The bill would provide for the repeal of these provisions on January 1, 2013.

This bill also would remove the authority of the Superintendent of Public Instruction to allocate funding for training at a California Professional Development Institute. The bill would repeal the provisions granting priority for participation in the program to teachers who have not participated in professional development at a California Professional Development Institute, or have received this training but have not participated in supplemental training regarding the math and English language arts content standards and curriculum frameworks adopted by the State Board of Education.

This bill would add ~~training using instructional strategies to teach essential content to address the varied learning needs of pupils, with an emphasis on English language learners and pupils with exceptional needs~~, to the subjects of provider-contracted professional development training and in-house professional development that a local education agency must certify *that* its proposal satisfies as a condition of receiving specified funding, *training using instructional strategies to teach essential content to address the varied learning needs of pupils, with an emphasis on English language learners and pupils with exceptional needs*. The bill would specify that *the* 40 hours of the professional development that a local education agency must certify has occurred has been based on the statewide academic content standards and related adopted or standards-aligned instructional materials.

This bill would remove the provisions allowing a school district, charter school, or county office of education to claim funding under a program that has been repealed. This bill would repeal the provisions requiring the State Board of Education to determine whether professional development programs not operated pursuant to the California Professional Development Institute meet minimum criteria. The bill would also repeal the provision authorizing the State Board of Education to contract for the review of certified assurances by local education agencies regarding training.

This bill would delete a provision requiring cooperation between the State Department of Education and the University of the California and the California Professional Development Institute regarding a report by the State Department of Education on the effectiveness of the program. The bill would add survey data regarding program

effectiveness and preprogram and postprogram pupil achievement, as well as retention rates of teachers, instructors, and paraprofessionals who participated in the program training, to the requirements for the report contents.

This bill would repeal the provisions authorizing professional development through this program to be provided through the California Professional Development Institute and related funding. The bill would also repeal a provision providing authority for this professional development to be provided at sites not located on a college or university campus.

This bill would express the intent of the Legislature to ensure that specified program training does not solely rely on state-adopted instructional materials to teach statewide academic content standards, and *also express* the intent of the Legislature to work with the State Board of Education and State Department of Education to achieve these goals.

The bill would also make various technical and conforming changes to the statutes governing the program.

Vote: $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 99231 of the Education Code is
 2 amended to read:
 3 99231. For the purpose of this article, the following terms
 4 have the following meanings:
 5 (a) "Instructional aide" means a person who is employed on
 6 either a full-time or a part-time basis for the purpose of directly
 7 assisting with classroom instruction in mathematics or reading in
 8 a California public school in which kindergarten or any of grades
 9 1 to 12, inclusive, are taught and who does not possess a valid
 10 teaching credential, certificate, authorization, or permit issued by
 11 the Commission on Teacher Credentialing and does not include a
 12 paraprofessional, as defined in subdivision (b).
 13 (b) "Paraprofessional" means a teacher aide, a teacher
 14 assistant, or a speech language pathology assistant who is
 15 employed on either a full-time or a part-time basis for the
 16 purpose of directly assisting with classroom instruction in
 17 mathematics or reading in a California public school in which

1 kindergarten or any of grades 1 to 12, inclusive, are taught and
2 who does not possess a valid teaching credential, certificate,
3 authorization, or permit issued by the Commission on Teacher
4 Credentialing.

5 (c) “Instructional materials that are aligned to state standards”
6 means, for kindergarten and grades 1 to 8, inclusive, materials
7 adopted by the state board after January 1, 2001, unless
8 otherwise authorized by the state board. For grades 9 to 12,
9 inclusive, “instructional materials that are aligned to state
10 standards” means materials that the governing board of the local
11 education agency has, after careful review, certified are aligned
12 to the state mathematics or reading content standards and the
13 curriculum frameworks for these subjects.

14 (d) “Local education agency” means a school district, county
15 office of education, state special school, or charter school.

16 (e) “Teacher” means a person who holds a valid teaching
17 credential, certificate, authorization, or permit issued by the
18 Commission on Teacher Credentialing and is employed on either
19 a full-time or a part-time basis in a California public school in
20 which kindergarten or any of grades 1 to 12, inclusive, are
21 taught.

22 SEC. 2. Section 99233 of the Education Code is amended to
23 read:

24 99233. (a) This program is intended to serve the following
25 categories of staff:

26 (1) Teachers employed in a public school for the purpose of
27 teaching in a self-contained classroom that serves pupils in
28 kindergarten or any of grades 1 to 8, inclusive. Teachers
29 described in this paragraph are eligible to receive instruction in
30 both mathematics and reading.

31 (2) Teachers employed in a public school for the purpose of
32 providing mathematics or reading instruction to pupils with
33 exceptional needs. Teachers described in this paragraph are
34 eligible to receive instruction in both mathematics and reading.

35 (3) Teachers who hold a single-subject teaching credential,
36 certificate, or authorization issued by the Commission on
37 Teacher Credentialing that authorizes them to teach English or
38 social science in a classroom that is not self-contained and who
39 are employed in a public school. Teachers described in this
40 paragraph are eligible to receive instruction in reading.

(4) Holders of one-year emergency teaching permits and emergency career substitute teaching permits who are employed in a public school and assigned to teach English or social science courses in a classroom that is not self-contained. Teachers described in this paragraph are eligible to receive instruction in reading.

(5) Teachers who hold a single-subject teaching credential, certificate, or authorization issued by the Commission on Teacher Credentialing that authorizes them to teach mathematics or science in a classroom that is not self-contained and who are employed in a public school. Teachers described in this paragraph are eligible to receive instruction in mathematics.

(6) Holders of one-year emergency teaching permits and emergency career substitute teaching permits who are employed in a public school and assigned to teach mathematics or science courses in a classroom that is not self-contained. Teachers described in this paragraph are eligible to receive instruction in mathematics.

(7) Instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics or reading who are employed in a public school for the purpose of assisting teachers in the instruction of pupils in kindergarten or any of grades 1 to 12, inclusive. Instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics, reading, science, or social science, as described in this subdivision, are eligible to receive instruction in mathematics or reading.

(b) Holders of emergency 30-day substitute teaching permits issued by the Commission on Teacher Credentialing are not eligible to receive training offered pursuant to this article.

SEC. 3. Section 99234 of the Education Code is amended to read:

99234. (a) (1) The Superintendent shall notify local educational agencies that they are eligible to receive an incentive award based on the percentage of eligible teachers calculated in accordance with provisions of an item of appropriation in the annual Budget Act. It is the intent of the Legislature that a local educational agency give highest priority to training teachers assigned to high-priority schools and teachers assigned to schools that are under state sanctions as specified under Section 52055.5.

(2) It is also the intent of the Legislature that funding appropriated in one fiscal year that is not expended by a local educational agency be redirected to local educational agencies that have trained more eligible teachers than the percentage funded. If a redirection of funding occurs, funding in subsequent fiscal years for the local educational agencies involved shall be adjusted to reflect the redirection of funding.

(b) A school district that cannot make the certification required pursuant to paragraph (3) of subdivision (a) of Section 99237 for all the grade levels it maintains in mathematics or reading may apply for and receive incentive funding for the grade levels and subjects for which it can make the certification required pursuant to paragraph (3) of subdivision (a) of Section 99237, in which case the certified assurance submitted pursuant to Section 99237 applies only to the professional development provided to teachers and instructional aides and paraprofessionals who directly assist with classroom instruction in mathematics or reading in the grade levels and subjects for which it can make the certification required pursuant to paragraph (3) of subdivision (a) of Section 99237.

(c) Of the incentive provided pursuant to subdivision (a), a local educational agency may use not more than one thousand dollars (\$1,000) of the per teacher per subject amount to provide an individual teacher stipend.

(d) The Superintendent shall notify local educational agencies that the maximum funding for the purpose of this article for which they are eligible each year is equal to the percentage calculated in accordance with provisions of an item of appropriation in the annual Budget Act, multiplied by the sum of the following two factors multiplied by two thousand five hundred dollars (\$2,500):

(1) Twice the number of multiple subjects teachers teaching in a self-contained classroom and special education teachers, as specified in paragraphs (1) and (2) of subdivision (a) of Section 99233, that provide direct instruction in mathematics or reading as reported in the most recent available CBEDS data, who have not received training pursuant to either this article or Article 2 (commencing with Section 99220).

(2) The number of mathematics, English, science, and social science teachers as specified in paragraphs (3) to (6), inclusive,

1 of subdivision (a) of Section 99233 that were reported in the
2 most recent available CBEDS data, who have not received
3 training pursuant to either this article or Article 2 (commencing
4 with Section 99220).

5 (e) The Superintendent shall allocate funding appropriated for
6 the purposes of this article in the following order of priority:

7 (1) Two thousand five hundred dollars (\$2,500) for each
8 qualifying teacher who was provided training pursuant to
9 subdivision (a) in the prior year for whom the local educational
10 agency did not receive funding due to insufficient availability of
11 funds in the prior fiscal year.

12 (2) Two thousand five hundred dollars (\$2,500) for each
13 qualifying teacher who was provided training pursuant to this
14 article, subject to the limitations in subdivision (d).

15 (3) Two thousand five hundred dollars (\$2,500) for each
16 qualifying teacher who was provided training pursuant to this
17 article in excess of limitations in subdivision (d).

18 (f) Funding may not be provided to a local educational agency
19 until the state board approves the certified assurance of the
20 agency submitted pursuant to Section 99237.

21 (g) Of the funding a local educational agency is eligible to
22 receive pursuant to this section for each eligible teacher, 50
23 percent shall be awarded following the provision of 40 hours of
24 professional development based on the statewide academic
25 content standards adopted pursuant to Section 60505 and
26 instructional materials adopted by the state board or
27 standards-aligned instructional materials, as specified in
28 subdivision (b) of Section 99237, with the remaining funding to
29 be awarded following certification of the provision of the 80
30 hours of followup instruction as specified in subdivision (b) of
31 Section 99237. The 80 hours of training may be completed over
32 a two-year period.

33 (h) A local educational agency may not receive funds pursuant
34 to this article for teachers who receive training pursuant to
35 Article 2 (commencing with Section 99220) using funding
36 provided pursuant to ~~Article 2 (commencing with Section 99220)~~
37 *that article*.

38 SEC. 4. Section 99234.5 of the Education Code is repealed.

39 SEC. 5. Section 99235 of the Education Code is amended to
40 read:

1 99235. (a) The Superintendent shall notify local educational
2 agencies that they are eligible to receive funding to provide
3 instructional aides and paraprofessionals who directly assist with
4 classroom instruction in mathematics or reading with
5 professional development training in mathematics or reading, in
6 an amount equal to one thousand dollars (\$1,000) per qualifying
7 instructional aide. Funding will be provided to local educational
8 agencies on a first-come-first-served basis. A local educational
9 agency that chooses to participate in the program is eligible to
10 receive funding for no greater than the percentage calculated in
11 accordance with provisions of an item of appropriation in the
12 annual Budget Act for its instructional aides and
13 paraprofessionals.

14 (b) Of the incentive provided pursuant to subdivision (a), a
15 local educational agency may not use more than five hundred
16 dollars (\$500) of the amount per instructional aide or
17 paraprofessional who directly assists with classroom instruction
18 in mathematics or reading to provide an individual instructional
19 aide stipend.

20 SEC. 6. Section 99237 of the Education Code is amended to
21 read:

22 99237. (a) As a condition of receipt of funds for purposes of
23 Section 99234 or 99235, a local education agency shall submit a
24 certified assurance signed by the appropriate agency official and
25 approved in a public session by the governing body of the agency
26 to the state board that contains its proposal to satisfy the
27 following:

28 (1) It contracted with a provider whose training curriculum
29 was approved by the state board or the local education agency's
30 training curriculum was approved by the state board. Approval
31 by the state board of the training curriculum shall be based on the
32 criteria contained in paragraph (4) and in subdivision (b).

33 (2) It or the provider with whom it contracted provided
34 professional development training focused primarily on the
35 following:

36 (A) The use of instructional materials that will be used by
37 pupils and are aligned to the mathematics or English language
38 arts content standards adopted by the state board pursuant to
39 Section 60605.

1 (B) The mathematics or English language arts content
2 standards adopted by the state board pursuant to Section 60605.

3 (C) The curriculum frameworks adopted by the state board for
4 mathematics and English language arts.

5 (D) The training shall include instructional strategies to teach
6 essential content in ways that address the varied learning needs
7 of pupils, with special emphasis on English language learners
8 and pupils with exceptional needs.

9 (3) (A) It provides each pupil with instructional materials that
10 are aligned to the state content standards in mathematics and
11 English language arts no later than the first day of the first school
12 term that commences 12 months or less after those materials are
13 adopted by the state board in the case of instructional materials
14 for kindergarten and grades 1 to 8, inclusive, or by the governing
15 board of the school district in the case of instructional materials
16 for grades 9 to 12, inclusive.

17 (B) For local education agencies that are piloting or evaluating
18 instructional materials that are aligned to the state content
19 standards in mathematics and English language arts, those
20 materials shall be provided to each pupil no later than the first
21 day of the first school term that commences 24 months or less
22 after those materials were adopted by the state board in the case
23 of instructional materials for grades 1 to 8, inclusive, or by the
24 governing board of the school district in the case of instructional
25 materials for grades 9 to 12, inclusive.

26 (C) If a local education agency has not adopted instructional
27 materials as required by subparagraph (A) for one or more grade
28 levels because it is piloting or evaluating those instructional
29 materials, the local education agency may only claim funding
30 pursuant to Section 99234 for grade levels and subjects where the
31 local education agency is in compliance with subparagraphs (A)
32 and (B).

33 (D) For each teacher, in each core area for which funding is
34 claimed pursuant to this article and for which there are not
35 standards-aligned textbooks for each pupil, as determined
36 through an audit, the Superintendent, on a one-time basis, shall
37 withhold from the next monthly principal apportionment
38 payment to the local education agency an amount equal to one
39 hundred dollars (\$100) for each of those pupils. The funds

1 withheld are deemed to be an offset against the training funds
2 provided pursuant to this article.

3 (4) It provides in-house professional development that focuses
4 primarily on the following:

5 (A) The use of instructional materials that will be used by
6 pupils and are aligned to the mathematics or English language
7 arts content standards adopted by the state board pursuant to
8 Section 60605.

9 (B) The mathematics or English language arts content
10 standards adopted by the state board pursuant to Section 60605.

11 (C) The curriculum frameworks adopted by the state board for
12 mathematics and English language arts.

13 (D) The training shall include instructional strategies to teach
14 essential content in ways that address the varied learning needs
15 of pupils, with special emphasis on English language learners
16 and pupils with exceptional needs.

17 (5) It provides the data elements required pursuant to Section
18 99240.

19 (b) As an additional condition of receipt of funds for purposes
20 of Section 99234, a local education agency shall certify that:

21 (1) Forty hours of professional development based on the
22 statewide academic content standards adopted pursuant to
23 Section 60605 and instructional materials adopted by the state
24 board or standards-aligned instructional materials and 80 hours
25 of followup instruction, coaching, or additional schoolsite
26 assistance, in mathematics or reading, as appropriate, was
27 provided to teachers who meet the criteria specified in
28 paragraphs (1) and (2) of subdivision (a) of Section 99233.

29 (2) Forty hours of professional development in reading and 80
30 hours of followup instruction, coaching, or additional schoolsite
31 assistance was provided to teachers who meet the criteria
32 specified in paragraphs (3) and (4) of subdivision (a) of Section
33 99233, and 40 hours of professional development in mathematics
34 and 80 hours of followup instruction, coaching, or additional
35 schoolsite assistance was provided to teachers who meet the
36 criteria specified in paragraphs (5) and (6) of subdivision (a) of
37 Section 99233.

38 (c) If, as the result of a program audit, it is found that the
39 participating local education agency served—~~less~~ *fewer*
40 participants than it was funded to serve, the Superintendent shall

1 withhold from the next monthly principal apportionment
2 payment to the local education agency an amount proportional to
3 the amount of funding associated with the number of teachers
4 that were not served.

5 (d) If, as the result of a program audit, it is found that the
6 training provided by the local education agency or the provider
7 with whom it contracted did not meet the requirements of
8 paragraph (4) of subdivision (a), the Superintendent shall
9 withhold from the next monthly principal apportionment
10 payment to the local education agency an amount equal to the
11 amount of funding associated with the training that was not
12 aligned to state standards and curriculum frameworks.

13 (e) The state board shall establish a procedure and criteria for
14 local educational agencies to appeal to the board the findings of
15 an audit conducted pursuant to this article. The board may reduce
16 or eliminate the amount to be withheld pursuant to subdivision
17 (d) if the board determines that the local educational agency was
18 in substantial compliance with this section.

19 (f) It is the intent of the Legislature that audits referenced in
20 subdivisions (c) and (d) be conducted as part of a compliance
21 audit performed in accordance with Sections 14503, 14508, and
22 41020.

23 SEC. 7 Section 99238 of the Education Code is repealed.

24 SEC. 8. Section 99240 of the Education Code is amended to
25 read:

26 99240. (a) By June 30, 2008, the department shall submit,
27 subject to review and approval by the state board, a report to the
28 Legislature regarding the program established pursuant to this
29 article. The report shall, at a minimum, detail all of the
30 following:

31 (1) The number of teachers, by credential type, who have
32 received training offered pursuant to this article.

33 (2) The number of instructional aides and paraprofessionals
34 who directly assist with classroom instruction in mathematics,
35 reading, science, or social science who have received training
36 offered pursuant to this article.

37 (3) The entities that have received funds for the purpose of
38 offering training pursuant to this article and the number of
39 teachers and instructional aides and paraprofessionals who
40 directly assist with classroom instruction in mathematics,

1 reading, science, or social science, respectively, that each has
2 trained.

3 (4) Information detailing the effectiveness of the program
4 established pursuant to this article. This information shall, at a
5 minimum, incorporate survey data concerning program
6 effectiveness and preprogram and postprogram pupil
7 achievement that has been gathered from program participants
8 and school principals.

9 (5) To the extent that information is available, information
10 detailing, by credential type, the retention rate of teachers who
11 participated in training offered pursuant to this article. The
12 information shall, at a minimum, incorporate sample data
13 concerning teachers who are no longer in the profession.

14 (6) To the extent that information is available, information
15 detailing the retention rate of instructional aides and
16 paraprofessionals who directly assist with classroom instruction
17 in mathematics, reading, science, or social science who
18 participated in training offered pursuant to this article. The
19 information shall, at a minimum, incorporate sample data
20 concerning aides who are no longer in the profession, as well as
21 aides who have obtained a teaching credential subsequent to the
22 training.

23 (b) By December 31, 2012, the department shall submit,
24 subject to review and approval by the state board, a report to the
25 Legislature regarding the program established pursuant to this
26 article. The report shall, at a minimum, detail the following:

27 (1) The number of teachers, by credential type, who received
28 training offered pursuant to this article.

29 (2) The number of instructional aides and paraprofessionals
30 who directly assist with classroom instruction in mathematics,
31 reading, science, or social science who received training offered
32 pursuant to this article.

33 (3) The entities that received funds for the purpose of offering
34 training pursuant to this article and the number of teachers and
35 instructional aides and paraprofessionals who directly assist with
36 classroom instruction in mathematics, reading, science, or social
37 science, respectively, that each has trained.

38 (4) Information detailing the effectiveness of the program
39 established pursuant to this article. This information shall, at a
40 minimum, incorporate survey data concerning program

1 effectiveness and preprogram and postprogram pupil
2 achievement that has been gathered from program participants
3 and school principals.

4 (5) To the extent that information is available, information
5 detailing, by credential type, the retention rate of teachers who
6 participated in training offered pursuant to this article. The
7 information shall, at a minimum, incorporate sample data
8 concerning teachers who are no longer in the profession.

9 (6) To the extent that information is available, information
10 detailing the retention rate of instructional aides and
11 paraprofessionals who directly assist with classroom instruction
12 in mathematics, reading, science, or social science who
13 participated in training offered pursuant to this article. The
14 information shall, at a minimum, incorporate sample data
15 concerning aides who are no longer in the profession, as well as
16 aides who have obtained a teacher credential subsequent to
17 training.

18 SEC. 9. Section 99241 of the Education Code is repealed.

19 ~~SEC. 11.~~

20 SEC. 10. Section 99242 of the Education Code is amended to
21 read:

22 99242. This article shall become inoperative on July 1, 2012,
23 and, as of January 1, 2013, is repealed, unless a later enacted
24 statute, that becomes operative on or before January 1, 2013,
25 deletes or extends the dates on which it becomes inoperative and
26 is repealed.

27 ~~SEC. 10.~~

28 SEC. 11. It is the intent of the Legislature:

29 (a) That providers of the training provided pursuant to
30 subdivision (d) of Section 99234 of the Education Code and
31 subdivision (a) of Section 99235 of the Education Code, as
32 approved by the State Board of Education, shall primarily
33 emphasize the statewide academic content standards adopted
34 pursuant to Section 60605 of the Education Code. This emphasis
35 includes ensuring that providers of training do not solely rely on
36 the state-adopted instructional materials in their training sessions
37 as the sole resource for teaching the statewide academic content
38 standards.

- 1 (b) To work with the State Board of Education and the State
- 2 Department of Education to achieve the goals set forth in
- 3 subdivision (a).

O